

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08md1932

IRENE GRACE, on behalf of herself and
other similarly situated,

Plaintiffs,

v.

FAMILY DOLLAR STORES, INC.,

Defendant.

ORDER

THIS MATTER is before the Court upon “Plaintiff’s Appeal of the Clerk’s Award of Costs” filed January 19, 2010, (doc. no. 510), and Defendant’s Response in Opposition, filed on February 2, 2010 (Doc. No. 511.).

Rule 54 of the Federal Rules of Civile Procedure provides in pertinent part that “costs other than attorneys’ fees shall be allowed as of course to the prevailing party unless the court otherwise directs.” Fed. R. Civ. P. 54(d)(1). It is the clerk of the court who “taxes’ costs. Id. The clerk is guided by the taxation-of-costs statute, 28 U.S.C. § 1920, in determining whether an item falls with the enumerated list of costs provided for the statute. The Court may, upon motion, review the action of the clerk of court. Id.

The Court has reviewed Plaintiffs’ motion and Defendant’s opposition as well as the Clerk’s Award of Costs, (doc. no. 509), and will affirm the Clerk’s taxation of costs. Indeed, the very issues raised in Plaintiffs’ motion were the same as those raised as objections to Defendant’s Bill of Costs which were considered by the Clerk in his comprehensive six- page Award of Costs Order. Plaintiffs

have not advanced any new facts, evidence or rationale to overturn the Clerk's decision. Instead, Plaintiffs simply restates the same three main arguments raised in their objections to the bill of costs. The Court notes that the Clerk analyzed each of these arguments in his well-reasoned decision. After a full review of the Clerk's Award of Costs, the undersigned concurs with the Clerk's calculations and also his conclusions in addressing the objections raised in the Award of Costs which are the same as those raised in the instant motion. Therefore, the Clerk's taxation of costs is affirmed and Plaintiffs' motion is denied. (Doc. No. 510.)

SO ORDERED.

Signed: February 3, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

